

Response

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Serial No.: 10/045,345

Confirmation No.: 1310

Filed: October 25, 2001

For: METHODS FOR FORMING ROUGH RUTHENIUM-CONTAINING LAYERS AND
STRUCTURES/METHODS USING SAME

Remarks

The Office Action mailed September 2, 2004 has been received. Claims 46-68 are pending. Reconsideration and withdrawal of the rejection is respectfully requested in view of the remarks provided herein.

Double Patenting Rejection

Claims 46-68 were provisionally rejected under 35 U.S.C. §101 as claiming the same invention as that of claims 46-68 of co-pending U.S. Patent Application No. 10/042,025.

Applicants respectfully traverse this rejection.

The above-identified pending application (i.e., including pending claims 46-68) and U.S. Patent Application No. 10/042,025 (issued on August 31, 2004 as U.S. Patent No. 6,784,504 B1) were both filed as a divisional patent applications on October 25, 2001 under Rule 1.53(b) claiming priority to U.S. Patent Application No. 09/589,849. Claims 46-68 of co-pending U.S. Patent Application No. 10/042,025 were cancelled in the "Request for Filing a Divisional Patent Application under Rule §1.53(b)" filed 25 October 2001. Further, as is clear from the issued U.S. Patent No. 6,784,504 B1, such claims 46-68 did not issue as part thereof. As such, there are no conflicting claims as alleged by the Examiner and the provisional double patenting rejection is overcome.

For at least these reasons, Applicants respectfully submit that claims 46-68 are patentable.

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STRUCTURES/METHODS USING SAME**Summary**

It is respectfully submitted that the pending claims are in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted for
Micron Technology, Inc.

By

Mueeting, Raasch & Gebhardt, P.A.

P.O. Box 581415

Minneapolis, MN 55458-1415

Phone: (612) 305-1220

Facsimile: (612) 305-1228

Customer Number 26813

1 Dec 2004
Date

By:



Mark J. Gebhardt

Reg. No. 35,518

Direct Dial (612) 305-1216

CERTIFICATE UNDER 37 CFR §1.8:

The undersigned hereby certifies that the Transmittal Letter and the paper(s), as described hereinabove, are being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to Commissioner for Patents, Mail Stop Amendment, P.O. Box 1450, Alexandria, VA 22313-1450, on this 1st day of December, 2004, at 3:55pm (Central Time).

By:



Name: SARA E. OLSON